

1 **UNAUTHORIZED PRACTICE OF LAW**

2 **AMENDMENTS**

3 2001 SECOND SPECIAL SESSION

4 STATE OF UTAH

5 **Sponsor: Stephen H. Urquhart**

6 **This act creates legislative findings on the accessibility of legal services within the state of**
7 **Utah and adds a new section to the Judicial Code pertaining to the unauthorized practice of**
8 **law by persons not licensed in this state. This act takes effect immediately and is repealed**
9 **on May 1, ~~h~~ [2003] 2002 h .**

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 ENACTS:

12 **63-55b-178**, Utah Code Annotated 1953

13 **78-9-101**, Utah Code Annotated 1953

14 This act enacts uncodified material.

15 *Be it enacted by the Legislature of the state of Utah:*

16 Section 1. **Legislative findings on the accessibility of legal services -- Charge to**
17 **Judiciary to study the issue and suggest changes.**

18 (1) The Legislature finds that:

19 (a) there is significant unmet need for legal services within the state of Utah;

20 (b) this unmet need for legal services is linked in part to the high cost of those services;

21 (c) the unmet need for legal services adversely impacts the health, safety, and welfare of
22 Utah citizens;

23 (d) in many situations, non-attorney professionals now provide, at low cost to consumers
24 with adequate protections, services previously reserved by law to attorneys;

25 (e) the right of a person to represent himself and his interests in a court of law is a
26 recognized right in our legal system; and

27 (f) recent enhanced technological capabilities have helped people access information



needed to handle their own legal issues.

(2) The Legislature requests that the Judiciary study ~~§ [avenues to improve the accessibility of legal services to the citizens of the state of Utah. The Legislature further suggests that the Judiciary include in its study]~~ § the following:

(a) increasing the availability of standardized legal forms for use in filing legal matters;

(b) increasing the use of technology to make legal services available to the public;

h (c) allowing non-lawyers to provide charitable legal help;

(d) allowing duly-authorized officers to represent their business entities; h and

h [(c)] (e) h § ~~[-the licensing of]~~ **ALLOWING** § independent lay professionals to perform certain functions now requiring an attorney.

Section 2. Section **63-55b-178** is enacted to read:

63-55b-178. Repeal dates -- Title 78.

Section 78-9-101 is repealed May 1, h [2003] 2002 h .

Section 3. Section **78-9-101** is enacted to read:

CHAPTER 9. UNAUTHORIZED PRACTICE OF LAW

78-9-101. Practicing law without a license prohibited -- Exceptions.

(1) Unless otherwise provided by law, a person may not practice law or assume to act or hold himself out to the public as a person qualified to practice law within this state if he:

(a) is not admitted and licensed to practice law within this state;

(b) has been disbarred or suspended from the practiced of law; or

(c) is prohibited from doing so by court order entered pursuant to the h [court's] courts' h inherent

h [power to regulate the practice of law] powers h or published court rule.

h [(2) Subsection (1)(a) shall not apply if the person or organization providing the service is not compensated in any way by the person receiving the service or by anyone specifically on that person's behalf.] h

h [(3)] (2) h The prohibition against the practice of law in Subsection (1) shall be enforced by any civil action or proceedings instituted by the Board of Commissioners of the Utah State Bar.

h [(4)] (3) h Nothing in this section shall prohibit a person from personally and fully representing his own interests in a cause to which he is a party in his own right and not as an assignee.

Section 4. **Effective date.**

If approved by two-thirds of all the members elected to each house, this act takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the

59 date of veto override.

Legislative Review Note
as of 9-21-01 2:41 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel